

From: Warren Downs
To: Microsoft ATR
Date: 12/14/01 4:02pm
Subject: Comments on settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW, Washington, DC 20530

To whom it may concern:

I'm writing to express my concerns with the proposed Microsoft-DOJ settlement. As a user of the Linux operating system, who has used multiple computer operating systems, including Microsoft Windows (in various incarnations) and IBM OS/2, I have found Linux to be the most flexible and useful basis for my computing. However, it is my concern that the proposed settlement will, far from opening up competition in the marketplace, actually assist Microsoft in removing my choice to use an alternative operating system.

Here are some of my specific concerns, which I hope will be addressed by the final settlement (and are not addressed by the currently proposed one):

1. When friends, family, and business associates send me Microsoft documents (e.g. Excel spreadsheets, Word documents, Powerpoint presentations), I need to be able to view those documents without being forced to use Microsoft products. Or, at the bare minimum, by using Microsoft applications on top of Linux, should that be an option.

At present, there are a number of non-Microsoft products which attempt to read Microsoft file formats. However, they are hindered by Microsoft's frequent undocumented file format changes. At a bare minimum, I would request that Microsoft applications (e.g. MS Word, Excel, Powerpoint, Microsoft Money, Internet Explorer, Outlook/Outlook Express, including Windows Address Book file formats such as .wab and .pab) should be available to run on Linux.

It seems unfair to require Microsoft to port them to Linux, because there may be other operating systems which should also be supported. Rather, I feel it would be better if Microsoft be required to license the porting to third party companies. For programs which Microsoft charges for, such as MS Office, the licensing wouldn't be free, but the price of the end product should be no more expensive than it's counterpart on Windows. Thus, Internet Explorer for Linux should be free, just like it is in Windows.

Microsoft will claim that Internet Explorer is part of the OS, as it is integrated into Windows. Regardless whether that is the case or not, users consider it to be an application, and as long as Microsoft continues to encourage Internet Explorer specific enhancements to the web pages on the internet, Microsoft should be required to make Internet Explorer available to other operating systems. Otherwise, we'll all be forced to use Windows in order to view web pages.

However, the best solution to the file format problem, would be to require Microsoft to make these file formats public documents. Microsoft could then keep their intellectual property, but third-party programmers would be able to produce compatible programs, so end-users such as myself would be able to access their data on alternative operating systems such as Linux.

2. Similarly, I need to be able to share information between my Linux computer and computers running Windows. At present, I am able to use the Samba (<http://us1.samba.org/samba/samba.html>) file sharing system on Linux to retrieve my files from the office computers. However, should Microsoft continue to make undocumented (and even patent-restricted!) changes to their network protocols, this option may not remain available to me.

Microsoft will claim that it is necessary to restrict details of their file formats and network protocols for security reasons. It is true that, in many cases, their file formats and network protocols attempt to be secure through obscurity, rather than through provably-secure algorithms. See <http://www.softlab.ntua.gr/~taver/security/secur3.html> for a definition of "security through obscurity".

However, the notable insecurity of Windows even without its file formats and network protocols being publicly documented should be testament enough that obscurity isn't helping security in this case. Instead, were Microsoft required to document their protocols and file formats, they would be more inclined to fix any security problems that came to light, and users of alternate operating systems such as Linux would be able to interoperate with their Windows-using co-workers, friends and family.

Therefore, a useful remedy would be one that requires Microsoft to publicly and non-discriminately document any changes to their network protocols, to be approved by an independent network protocol body.

3. In point #1, I mentioned the option of running Microsoft applications on Windows. At present, there is an effort, known as the Wine project (<http://www.codeweavers.com/>), which is attempting to make it possible to run Windows applications on Linux. It has been largely successful with applications which are written to use only the publicly-documented Windows Application Programming Interface (API) which Microsoft already provides.

However, it is well known that Microsoft applications (and perhaps those of a few other companies in close association with them) make use of undisclosed interfaces between Windows and the application. This makes it impossible to run those applications using an interface (such as Wine) created from only the public documentation.

Therefore, it is unsurprising that Microsoft applications have been the least successful at running on Linux using Wine.

A useful remedy should require Microsoft to document all Application Programming Interfaces (APIs) which are used by any applications which it sells separately from Windows, bundled with Windows, or downloadable from Microsoft's website. This would at least make it possible to interoperate with Windows users by using the native Windows applications on Linux.

However, it is Microsoft's trend to actually work against this option, in spite of being under anti-trust investigation. Microsoft licensing agreements for many of their applications currently state that you may only use the application in conjunction with Microsoft Windows. Thus, even if it were technically possible to run the Microsoft application on Linux, those licensing agreements would make it illegal! This is unconscionable, and should be addressed by requiring that Microsoft licensing agreements allow usage of their applications in conjunction with alternate operating systems, if the user so desires.

Of course, Microsoft doesn't wish to allow or encourage piracy of their software, and rightly so. However, as long as they maintain a monopoly, restricting interoperability with users of alternate operating systems, they should also allow their applications to be used in conjunction with alternate operating systems, as long as the application is legally owned by the user. Applications which are freely downloadable for Windows users, should also be freely downloadable for Linux and other operating system users.

4. When I purchase my next computer, I should be able to purchase the computer without Windows, or with Windows but without any bundled Microsoft applications, if I so desire, at a reduced cost. It is unfair of Microsoft to require bundling their products, or allow unbundling but only if the purchaser pays a penalty.

In order to be effective, a remedy must insure that, as a monopolist, Microsoft should be required to allow sales of Windows with or without bundled applications, with no penalty in the latter case. And Microsoft should not be able to penalize a computer vendor for selling some of their computers without Windows, either. This means that the software should also be available separately from the vendor, priced the same as the difference between the cost of the computer with and without the software. Only then will competition be able to flourish.

In closing, though my comments are written from the point of view of a Linux operating system user, I believe that it will be to the benefit of all computer users, including those using Windows, and yes, even Microsoft itself, for effective remedies to be taken in this case. I believe that the remedies I have proposed are reasonable, and I hope that the court will agree with me.

I am not writing on behalf of a large competitor of Microsoft, and I strongly object to Microsoft's claim that this whole case is about it's competitors. It is of unmost concern to me, that I be allowed choice in what operating system and programs I use on my computer, and I believe there are many other users who feel the same. At present, we feel that we are held hostage to the infrastructure provided by Microsoft.

I am not antagonistic to Microsoft, and if I could be assured that I would have freedom of choice regarding the operating system I use, I would be happy to use and pay for Microsoft applications. However, my experience has been to the contrary, and I feel that only government intervention and continued supervision of Microsoft will be able to ensure that freedom of choice.

Sincerely,

Warren E. Downs
525 S. Williwaw
Palmer, AK 99645
(907) 745-6811